

[ORAL ARGUMENT NOT YET SCHEDULED]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

MARK MOYAR,

*Plaintiff-Appellant,*

*v.*

UNITED STATES DEPARTMENT OF  
DEFENSE and  
UNITED STATES AGENCY FOR  
INTERNATIONAL DEVELOPMENT,

*Defendants-Appellees.*

No. 23-5085

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE  
BRIEF OF DEFENDANTS-APPELLEES**

Pursuant to Federal Rules of Appellate Procedure 26(b) and 27, the government respectfully moves for a 14-day extension of time, to and including December 4, 2023, to file its brief in the above-captioned appeal. Plaintiff-appellant consents to this request.

1. On June 14, 2023, the clerk entered an order directing plaintiff-appellant to file his opening brief and appendix on July 24, 2023. On July 19, 2023, plaintiff-appellant filed an unopposed motion to extend the deadline for his brief and the appendix by 30 days to

August 25, 2023. The Court extended the deadline for plaintiff-appellant's opening brief and the appendix to September 15, 2023. On September 15, 2023, plaintiff-appellant requested and received a further extension to September 19, 2023. On September 20, 2023, plaintiff-appellant requested and received an additional extension of two hours to September 20, 2023. Plaintiff-appellant's brief and the appendix were filed September 20, 2023. The government subsequently sought and received a 32-day extension of the deadline for its response brief to November 20, 2023.

2. The extension of time is necessary to allow appellate counsel adequate time to prepare the government's response and to coordinate with agency counsel, given other forthcoming deadlines. On November 9, 2023, the Second Circuit scheduled argument on an expedited basis in *Ascent Pharmaceuticals, Inc. v. United States Drug Enforcement Administration*, No. 23-7246 (2d Cir.), for November 14, 2023. Urja Mittal, the lead government attorney in this case, was responsible for presenting argument for the government in *Ascent Pharmaceuticals*. Ms. Mittal is also responsible for presenting oral argument on behalf of

the government in *In re Application of Webuild S.p.A. and Sacyr S.A.*, No. 23-73 (2d Cir.) on November 21, 2023.

3. The requested extension will not appreciably delay the resolution of this case, and counsel will exercise diligence in preparing the brief within the time requested. Plaintiff-appellant consents to this extension request.

### CONCLUSION

For the foregoing reasons, the government respectfully requests that the Court grant this unopposed motion for an extension of time, to and including December 4, 2023, to file its response brief.

Respectfully submitted,

JOSHUA M. SALZMAN

/s/ Urja Mittal

URJA MITTAL

*Attorneys*

*Civil Division, Appellate Staff*

*U.S. Department of Justice*

*950 Pennsylvania Ave. NW, Rm. 7248*

*Washington, DC 20530*

*(202) 353-4895*

NOVEMBER 2023

**CERTIFICATE OF COMPLIANCE**

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), I hereby certify that this motion complies with Federal Rule of Appellate Procedure 27(d)(1)(E) because it was prepared with Century Schoolbook 14-point, a proportionally spaced font with serifs, and the motion complies with Federal Rule of Appellate Procedure 27(d)(2) because it contains 344 words, according to the word count of Microsoft Word.

/s/ Urja Mittal  
URJA MITTAL